UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Ramon PENA-Martinez,** Defendant	Magistrate Docket No. 07 MJ 2614 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **November 5, 2007** within the Southern District of California, defendant, **Ramon PENA-Martinez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **7th** DAY OF **NOVEMBER, 2007**

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Ramon PENA-Martinez

PROBABLE CAUSE STATEMENT

On November 5, 2007, Supervisory Border Patrol Agent L. Miele was performing his assigned duties in the Campo Border Patrol Station area of operations. At approximately 12:30 p.m., Agent Miele encountered six individuals walking north near the intersection of Highway 94 and Church Road. This area is located approximately eighteen miles east and six miles north of the Tecate, California Port of Entry. At the time of the encounter, Agent Miele identified himself as a United States Border Patrol Agent and questioned the five individuals as to their citizenship, including one individual later identified as the defendant **Ramon PENA-Martinez.** All five individuals admitted to being citizens and nationals of Mexico illegally present in the United States. All five were arrested and transported to the Campo Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on or about **May 31, 2005** via **Nogales, Arizona.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.